

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DIMITAR TRANCHEFF,

Defendant.

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8:05CR189

**ORDER, FINDINGS AND
RECOMMENDATION**

This matter is before the court on the defendant's motion for leave to file pretrial motions out of time (Filing 27).

The record shows that the defendant was arraigned on May 2, 2005, at which time the pretrial motion deadline was set for May 22, 2005. The pretrial motion was extended to June 10, 2005 at the parties' joint request. On June 6, 2005, the defendant's pretrial services officer reported that the defendant had absconded from supervision. A warrant was issued for his arrest.

The defendant was located in the country of Bulgaria and, apparently, extradited to the United States. (See Filings Nos. 15 & 16). According to Filing No. 20, the defendant was arrested on November 21, 2009 and appeared before the undersigned on November 25, 2009 on the pretrial service officer's 2005 petition for action.

The defendant was represented by retained counsel from May 2, 2005 through November 24, 2009. Present counsel was appointed on November 25, 2009 and was advised at the November 25, 2009 hearing that it would be necessary to file a written motion supporting the defendant's request that the pretrial motion deadline be reopened.

The necessary motion was not filed until December 22, 2009, nearly one month

after the hearing. Considering that the defendant was represented by retained counsel throughout these proceedings and that he intentionally made himself unavailable by absconding from this district, and from the United States, the court finds that the defendant has not shown good cause for an extension of the pretrial motion deadline.

IT IS ORDERED that the defendant's motion for leave to file pretrial motions out of time (Filing 27) is denied.

IT IS RECOMMENDED that the defendant's Motion to Suppress (Filing 28) be denied as untimely filed.

A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

A party may object to the magistrate judge's findings and recommendation by filing an "Objection to Magistrate Judge's Findings and Recommendation" within 14 days after being served with the findings and recommendation. The objecting party must comply with all requirements of NECrimR 59.2

DATED December 23, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**